## REMARKS

The foregoing Amendment and Remarks which follow are responsive to the initial, non-final Office Action mailed November 20, 2002 in relation to the above-identified patent application. In that Office Action, Claims 14-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1, 3, 5, 7 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wako (U.S. Patent No. 6,415,224) in view of Westerlage (U.S. Patent No. U.S. Patent No. 5,987,377). Claims 2, 4, 6, 8, 9 and 11-13 were noted as being allowable of rewritten in independent form. Claims 14-18 were noted as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112.

Specific objections/rejections are addressed below. No new matter has been entered in this amendment.

### Rejections Under 35 U.S.C. § 112

Claims 14-18 were rejected under 35 U.S.C. § 112, second, paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action stated that it was unclear whether the claims were directed to a method of using or how the device functions eternally (sic) (or a method of work). Claim 14 has been amended to clarify that they are directed to a method of operation (internally) of the device when in use. Therefore, Applicant believes that Claim 14 overcomes the rejection under 35 U.S.C. § 112. The Office Action noted that the Claims 14-18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112. Therefore, Applicant believes Claims 14-18 are allowable.

**Rejections Under 35 U.S.C. § 103**

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488. To rely on a reference under 35 U.S.C. § 103, the reference must be analogous prior art. The reference must be either in the field of applicant's endeavor or, if not, then it must be reasonably pertinent to the particular problem with which the invention was concerned. MPEP § 2131.01(a).

Applicant respectfully submits that a *prima facie* case of obviousness has not been established and that the prior art references are nonanalogous.

The Wako patent is directed to a display for a navigation system for displaying information necessary for guiding a driver of a vehicle. The navigation system is designed to promote safety by providing different displays based on whether the vehicle is moving or stationary. See, for example, abstract.

The Westerlage patent is directed to a system for determining an expected time of arrival of a vehicle equipped with a mobile unit and a remote dispatch. The mobile unit receives destination information generated by the dispatch. The mobile unit also includes a positioning receiver to determine a vehicle position. The mobile unit then determines an estimated time of arrival. See for example, abstract.

In contrast, Applicant's invention is a toy. The toy includes a graphical display. The graphical display shows a hypothetical route (e.g., a straight line or a squiggly line, such as the one shown in Figure 3). The toy then displays the vehicle moving along the hypothetical route. The position of the vehicle on the hypothetical route could be determined based on an estimated time of the trip compared to the time already traveled. For example, the toy is started. An estimated travel time of one hour is entered. After the toy has been on for 30 minutes, the vehicle will be displayed about halfway along the hypothetical route.

Amended Claim 1 reads as follows:

1. (Once Amended) A toy travel clock comprising:

an input device configured to accept an estimated time of travel between a starting location and a destination;

a distance travel calculator configured to compute an estimated distance traveled based on the estimated time of travel between the starting location and the destination; and

an output device configured to display an indication of the estimated travel distance.

The Office Action states that Wako discloses a distance travel calculator configured to compute estimated distance traveled and an output device to display an indication of the estimated distance traveled in Claims 1 and 2 and Figure 7. The Office Action states that the Wako reference does not disclose an input device but that this limitation is taught in the Westerlage reference at column 10, lines 18-42. Applicant respectfully disagrees.

Claims 1 and 2 of the Wako patent are shown below:

1. A display method of a vehicle navigation system for assisting a driver to drive the vehicle, comprising the following steps of;

detecting whether a vehicle is in motion of stationary and sending a corresponding signal to a controller of the navigation system;

changing a display screen of the navigation system to an in-motion main menu when the vehicle is in motion and a menu key is pressed by the driver; and

changing the display screen of the navigation system to a stationary main menu when the vehicle is stationary and the menu key is pressed by the driver;

wherein the in-motion main menu displays an item list showing less than a predetermined number of items in one page for specifying a destination.

2. A display method of a vehicle navigation system as defined in claim 1, wherein a display scroll function is disabled when the vehicle is in motion.

Neither of these claims teaches or suggests either: (1) a distance travel calculator configured to compute an estimated distance traveled based on the estimated time of travel between the starting location and the destination; or (2) an output device configured to display an indication of the estimated travel distance.

The Wako reference discloses a vehicle navigation display system. The display (shown in Figure 7) shows a map indicating the precise location of a vehicle. This system is used to assist the driver of a vehicle. The Wako reference discloses a system where an exact destination (i.e., street address) is input into a navigation system. The system determines the exact location of the vehicle. The system can then determine an appropriate route from the current location to the destination, such as a map as shown in Figure 7. Col. 9, lines 1-3. The reference does not disclose a toy, such as the one in Claim 1, that determines an approximate distance traveled based on an estimated travel time between a starting location and a destination.

The Westerlage reference discloses that destination information is received from dispatch. Alternatively, this infomraiton can be received using any suitable input device, such as a keyboard, a dirrect connection or any suitable removeable storage media. Col. 10, lines 18-22. The input disclosed in the Westerlage reference is for the input of a destination (e.g., a street address). It is not for the input of an estimated time of travel. As shown in Figure 4 of the Westerlage reference, an estimated time of arrival for a particular location can be determined based on the exact location of

the destination, the exact current location and the estimated (or exact) time of departure. As an example, the Westerlage reference describes that a plumber who has just finished a repair job at a paricular location can have an expected time of arrival at the next appointment computed based on the time the first job is finished and the locations of the two jobs. If the plumber is running late (e.g., by fifteen minutes), then subsequent appointments show that the estimated time of arrival will be fifteen minutes later than the scheduled appoiontment time. Col. 10, lines 23-42. Thus, the Westerlage reference does not teach or suggest an input device configured to accept an estimated time of travel between a starting location and a destination as required by Claim 1.

Applicant respectfully submits that neither of the references either alone or in combination teach or suggest any of the limitations of Claim 1. Thus, Claim 1 is believed allowable over the prior art of record.

Since Claim 1 is belived allowable, all of the Claims depending therefrom (namely, Claims 2-13) are also believed allowable. Claims 2, 4, 6, 8, 9, and 11-13 were noted in the Office Action as having allowable subject matter. In addition to being allowable because they depend from an allowable base claim, many of the dependent claims are allowable for additional reasons. Examples of additional reasons of allowability are described below.

While the Office Action states that Claim 2 includes allowable subject matter, the Office Action also states that the Wako referrence discloses a hypothetical route as required by Claim 2. Applicant respectfully disagrees. The Wako reference discloses a navigation system for aiding a driver in getting to his destination. A hypothetical route would be useless in achieving the intended purpose. The route displayed in Wako is a real, recommended route, not a hypothetical route.

Claim 3 includes the additional limitation that the "input device is configured to accept a

mode of transportation and the output device is configured to display a graphical representation of the mode of transportation as the indication of the distance traveled. Neither cited reference discloses this further limitation. The Office Action does not indicate where in the references such a limitation is believed to be disclosed.

New Claims

New Claims 19-31 have been added. Applicant respectfully submits that all of the new claims are believed allowable over the prior art of record.

## CONCLUSION

In view of the foregoing, Applicant respectfully submits that all of the pending claims, namely Claims 1-31 are patentable over the prior art of record. Therefore, Applicant respectfully requests that the Application be passed to issue. Should the Examiner have any questions or any suggestions for expediting the allowance of the claims, he is invited to contact Applicant's representative at the number listed below.

Attached hereto is a copy marked "VERSION WITH MARKINGS TO SHOW CHANGES MADE" to show the changes made to the claims.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: February 19, 2003 By: _____

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## VERSION WITH MARKINGS TO SHOW CHANGES MADE

**In the Claims:**

Please amend Claims 1 and 14 as follows:

1. (Once Amended) A toy travel clock comprising:

an input device configured to accept an estimated time of travel between a starting location and a destination;

a distance travel calculator configured to compute an estimated distance traveled based on the estimated time of travel between the starting location and the destination; and

an output device configured to display an indication of the estimated travel distance.

14. (Once Amended) A method of operation of use of ~~using~~ a toy travel clock, the method comprising:

a) accepting an estimated time of travel from a starting location to a destination;

b) determining a hypothetical route from the starting location to the destination;

c) graphically displaying the starting location, the destination and the hypothetical route connecting the starting location to the destination;

d) calculating a current position along the hypothetical route; and

e) displaying a graphical symbol representative of a vehicle at the current position along the hypothetical route.

Please add new Claims 19-31 as follows:

19. (NEW) A toy travel clock comprising:

an input device configured to accept an estimated time of travel between a starting location and a destination; and

an output device configured to display an indication of an estimated distance traveled.

20. (NEW) The toy travel clock recited in Claim 19, wherein the output device is configured to graphically display the starting location, the destination, a hypothetical route connecting the starting location to the destination, and the indication of the distance traveled along the hypothetical route.

21. (NEW) The toy travel clock recited in Claim 20, wherein the input device is configured to accept a mode of transportation and the output device is configured to display a

graphical representation of the mode of transportation as the indication of the distance traveled.

22. (NEW) The toy travel clock recited in Claim 19, wherein the estimated distance traveled is determined by calculating a time traveled by determining a difference between a start time and a current time, and dividing the time traveled by the estimated time of travel between the starting location and the destination to determine a fraction of time traveled that is equal to the estimated distance traveled.

23. (NEW) The toy travel clock recited in Claim 19, further comprising a storage module that stores at least one known destination having an associated known total distance and wherein the input device is configured to accept a respective known destination.

24. (NEW) The toy travel clock recited in Claim 23, wherein the known destination is associated with a stored known estimated time of travel between the known starting location and the known destination.

25. (NEW) The toy travel clock recited in Claim 19, further comprising a clock display indicating a current time.

26. (NEW) The toy travel clock recited in Claim 19, wherein the travel clock is a stand-alone device.

27. (NEW) The toy travel clock recited in Claim 19, wherein the travel clock is coupled to a gaming device display.

28. (NEW) The toy travel clock recited in Claim 19, wherein the travel clock is coupled to a navigation system display.

29. (NEW) The toy travel clock recited in Claim 19, wherein the travel clock is coupled to a video tape player display.

30. (NEW) The toy travel clock recited in Claim 19, further comprising an audio output device.

31. (NEW) The toy travel clock recited in Claim 30, wherein the audio output device outputs preprogrammed stories at designated times based on the estimated time of travel between the starting location and the destination.